

MINUTES

UTAH PSYCHOLOGY LICENSING BOARD MEETING

January 30, 2007

**Room 402 – 4th Floor – 9:00 A.M.
Heber Wells Building**

CONVENED: 9:00 A.M.

ADJOURNED: 1:02 P.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

John F. Merryweather, Ph.D.
Bruce N. Carpenter, Ph.D.
Lori G. Buhler, Public Member
Leonard J. Haas, Ph.D.

Board Members Absent:

Natalie J. Malovich, Ph.D.

Guests:

F. David Stanley, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Read and approve the November 15, 2006 Minutes.

Dr. Merryweather made a motion to approve the minutes with a minor revision. Ms. Buhler seconded the motion. **The Board vote was unanimous.**

BUSINESS FROM PREVIOUS MEETING:

Follow up on Board members providing Examination Questions

Ms. Taxin stated that Jeffrey Barber from Thomson Prometric met with the Division for discussion regarding their contract and requirements for the Division examinations. She explained that Thomson Prometric registers and administers 3 examinations for the professions she handles.

Ms. Taxin stated that when she discussed with Mr. Barber the Psychology EPPP and the Utah Psychology Laws and Rules examination she was very clear on her expectations for information, quality of customer

service and registering for these examinations.

Ms. Taxin stated that Mr. Barber agreed to send the Utah Psychology Laws and Rules examination questions for her to review in order to determine the questions are current and updated.

She stated that Thomson Prometric will be developing on-line registration for their examinations and ASPPB is now in the process of testing their on-line registration for the EPPP.

Ms. Taxin recommended we give Thomson Prometric the opportunity to send out the examination questions for review and to correct some of their internal registration problems.

Dr. Carpenter stated that he met with the ASPPB Board in Midway, Utah, and expressed the Utah concerns to that Board. He stated that the PES liaison was aware of the problems candidates have had in registering for the examinations and will discuss the issues with Thomson Prometric.

Dr. Carpenter volunteered to assist with the examination item writing as it is part of his background.

Dr. Haas asked if the Division is going to implement an audit of the applicants experience in taking the examinations.

Ms. Taxin responded that the Division does not receive complaints on the examinations but does receive complaints on the process to sit for the examinations.

Dr. Carpenter suggested the applicants be asked about their experience with the process.

Ms. Taxin asked where the Board would recommend the Division put questions regarding the process.

Dr. Carpenter recommended a page be placed in the application for feedback regarding the examination process. He stated that the process appears to be working in other States and he

wondered what is different for there to be difficulties in Utah.

Dr. Haas requested Ms. Taxin to update the Board again at the April meeting regarding complaints on the process.

APPOINTMENTS:

10:00 A.M.

Dr. Michael Bjornson, Probationary Interview

Dr. Bjornson met for his probationary interview.

Dr. Merryweather conducted the interview.

Dr. Bjornson submitted the report from Dr. Szykula. He stated that Dr. Szykula was out of town and did not get the report completed prior to the Board meeting. Dr. Bjornson asked if the Division received the fax of his continuing education (CE) information.

Ms. Taxin responded that the Division has not received a report from Dr. Szykula or any CE information.

Dr. Merryweather asked when Dr. Bjornson faxed the information.

Dr. Bjornson responded that he faxed the information last night, January 28, 2007. He stated that he could submit copies.

Dr. Merryweather requested the copies be submitted for the Board to review.

Dr. Carpenter asked what arrangements were made for supervision while Dr. Szykula was out of town.

Dr. Bjornson responded that Dr. Szykula's being out of town is sporadic and he still meets once a week. Dr. Bjornson stated that Dr. Szykula's comments are uplifting as he recognizes the struggles Dr. Bjornson has.

Dr. Carpenter read Dr. Szykula's report to the Board. He asked Dr. Bjornson if he thought the comment regarding a casual attitude is a fair

observation and does the casual attitude lap over into Dr. Bjornson's therapy work.

Dr. Bjornson responded that the observation is fair and being casual probably does lap over into this therapy.

Dr. Carpenter stated that the Board has struggled with Dr. Bjornson's casual attitude toward the probation. He stated that the Board has requested the reports and any information be submitted early for Ms. Taxin to review and to prepare his file for the Board to review. Dr. Carpenter stated that he is of the opinion that a task must reach critical level before Dr. Bjornson takes notice. He asked Dr. Bjornson if that is correct.

Dr. Bjornson responded that Dr. Carpenter is correct. He stated that he has had some personal issues that have taken priority for a few weeks.

Dr. Carpenter commented that the information is required and should still be submitted.

Dr. Merryweather asked if the copies the Division has in the file of the continuing education are all that Dr. Bjornson has completed to date.

Dr. Bjornson responded that the copies are all he has completed. He stated that he would like to attend a course in Idaho next week and another one in March that are both on ethics.

Dr. Haas commented that Dr. Bjornson was short 8 hours at the last meeting. He reminded Dr. Bjornson that he agreed to have the 8 hours completed by this meeting.

Dr. Bjornson responded that he completed 6 hours but has not completed 8 hours.

Ms. Taxin reminded Dr. Bjornson that he was going to call her regarding pre-approval for the ethics courses and send her the paperwork to review. She stated that he did not call her or send the paperwork.

Dr. Merryweather noted that Dr. Bjornson

completed 6 hours through NASW in a course titled “Pathways to Possibility with Difficult Patients”.

Dr. Haas asked Dr. Bjornson to explain in what ways the course incorporated ethics.

Dr. Bjornson responded that the professor contacted him and told him the course does not deal specifically with ethics but it does deal with ethical dilemmas and how to treat difficult patients effectively with risk reduction.

Dr. Carpenter asked if Dr. Bjornson recalled that he had informed the Board that his hours were not in ethics and the Board responded that the last 8 hours must be specifically in ethics.

Dr. Bjornson responded that the Substance Abuse course did have some ethics. He stated that the Board did not agree if that Substance Abuse course would count or not.

Dr. Merryweather stated that Dr. Bjornson knew he was short 8 hours of CE and he knew he was to send information to Ms. Taxin to be reviewed and approved or denied so that the Board would be confident that the CE would qualify as 8 hours in ethics. He stated that Dr. Bjornson does not have the required 8 hours in ethics and has not made any allowance regarding the Board’s input on the workshop he took. Dr. Merryweather stated that Dr. Bjornson is in violation of his Stipulation and Order.

Dr. Bjornson responded that he has worked hard to find something that would meet the requirements and has been unable to locate anything.

Dr. Merryweather reminded Dr. Bjornson that he has not contacted Ms. Taxin or the Board until this meeting and has not offered any proposal in advance, including the Substance Abuse workshop. He stated that he is bothered by Dr. Bjornson’s casual attitude regarding the whole probationary process.

Dr. Haas commented that it appears Dr. Bjornson has many reasons why he has not contacted Ms. Taxin and why he has not completed the 8 hours of CE in ethics. He stated that the Board views his reasons as excuses. Dr. Haas stated that the Board could recommend additional conditions to the probation or the Board could recommend Dr. Bjornson be given more time to complete the CE.

Dr. Carpenter asked when the CE was due.

Ms. Taxin responded that on October 3, 2006, the Board extended the due date for Dr. Bjornson completing the CE to the January 2007 meeting, which is today.

Dr. Bjornson responded that he was unable to locate any type of CE on ethics.

Ms. Taxin stated that if he had contacted her she would have been able to give him some suggestions.

Dr. Bjornson responded that he has not been as focused as he should have been. He stated that he hoped the Board would grant him an extension to complete the course in Idaho.

Dr. Haas asked the Board if they would consider accepting the workshop documentation Dr. Bjornson submitted today as meeting part of the 8 hours in ethics. He stated that he did not see anything regarding ethics in the information submitted.

Dr. Carpenter responded that Dr. Miller has couched the ethics information in the course and the focus is on how to be a better practitioner.

Dr. Haas stated that Dr. Miller's information states that the course covers difficult cases and the Board had said the last 8 hours must be specifically in ethics.

Dr. Merryweather suggested Dr. Bjornson write a paper on the ethical issues that were presented in the workshop and how those issues might be used to address some of the problems he has had. He

stated he is concerned that Dr. Bjornson comes to the meetings unprepared and the Board continues to bump up against the problem.

Dr. Haas stated that he is concerned about the time and Dr. Bjornson being out of compliance.

Dr. Bjornson responded that he completed 30 hours of CE when the original boundary issue was revealed. He stated that he feels comfortable that he has completed the CE requirement with enough hours in ethics. He stated that Dr. Szykula addresses that he is improving in how he works with clients and he has a better self esteem.

Dr. Haas asked Dr. Bjornson if he was following the Board's discussion regarding the decision they are struggling to make.

Dr. Bjornson responded that he is following what the Board was saying. He stated that this meeting was going very different from what he thought it would and he thought he was doing everything he should be in meeting the Stipulation and Order requirements.

Dr. Carpenter asked how Dr. Bjornson thought he was doing everything he should be doing when he was out of compliance at the last meeting by not having his CE completed and needed an extension and is out of compliance again this meeting for the same reason.

Dr. Bjornson responded that he was not aware that he was out of compliance at the last meeting. He stated that he has had been struggling with the stress of personal things in his life and the probationary requirements.

Dr. Haas asked if Dr. Bjornson is feeling like he is over extended in his life and is doing the best he can.

Dr. Bjornson responded that Dr. Haas is correct.

Dr. Haas asked if Dr. Bjornson understands the dilemma of the Board and that the Board needs to make some decisions regarding Dr. Bjornson being

out of compliance.

Dr. Bjornson responded that he does understand.

Dr. Merryweather stated that he would like the Board to consider proposing Dr. Bjornson submit a written document regarding some of the ethics courses he has taken and they are specifically relevant to him and the situation that brought him before the Board.

Dr. Haas commented that type of a proposal would defer any action until the next Board meeting.

Dr. Merryweather responded that he would like to make the ethics requirement something that is related to real life and relevant to Dr. Bjornson's personal issues.

Ms. Taxin responded that she agrees with Dr. Merryweather. She stated that she is not sure the course taken from Dr. Miller is acceptable. She stated that she would like something in writing from Dr. Bjornson regarding how the course applies to ethics for the Board to review to determine if it is acceptable. She stated that Dr. Bjornson now wants the Board to approve him to attend a course in Idaho next week and there has been nothing submitted to document the course is on ethics.

Dr. Carpenter stated that it appears the delay in any Board action toward Dr. Bjornson would be about 6 months. He stated that Dr. Bjornson did some self study which the Board would not accept the hours and the Board required him to attend pre-approved courses. He stated that it appears from the discussion that the Board is now talking about having Dr. Bjornson write a report on Dr. Miller's class for review to determine if they will now accept the hours.

Dr. Haas stated that the Board will not require a report on the assigned ethics courses as the learning objectives are determined by the instructor.

Ms. Buhler stated that the Board reviewed several areas that Dr. Bjornson is out of compliance. She asked if the CE is now the only area the Board is considering that he out of compliance.

Ms. Taxin responded that Dr. Bjornson is out of compliance on the CE and in submitting the reports in a timely manner. She stated that the Board has requested several times that Dr. Bjornson be sure the therapist reports and the supervision reports are submitted in advance so that she has time to review them and prepare the file for the Board meeting. She stated that they have also requested several times that Dr. Szykula include in his report how many audio sessions he has reviewed and that is still not in the reports. Ms. Taxin stated that the therapist report from Dr. Mas was received by fax last night. Ms. Taxin stated that Dr. Bjornson needs to be in compliance in all areas.

Dr. Bjornson stated that Dr. Szykula has mentioned including the number of audio sessions Dr. Bjornson has done and how many Dr. Szykula has reviewed.

Ms. Taxin responded that the information should be in each report. She stated that the Board specifically requested the information be in the report for this meeting and it is not. She stated that Dr. Bjornson should make sure it is addressed so the Board knows Dr. Szykula is reviewing audio sessions.

Dr. Bjornson responded that at the October 3, 2006 meeting the Board and Ms. Taxin expressed appreciation to him for getting the information submitted a week before the Board meeting.

Ms. Taxin acknowledged that Mr. Stanley, Division Director, arrived in the meeting.

Ms. Taxin commented that the other Board appointments have arrived.

Dr. Carpenter made a motion that by February 15, 2007, Dr. Bjornson must submit to Ms. Taxin a plan regarding the remaining 8 hours of CE in

ethics for pre-approval to take a course or courses as previously discussed. He continued that the plan must be approved and completed by the next Board meeting and if not completed the Board will request an Order to Show Cause for non-compliance.

Ms. Buhler seconded the motion.

Dr. Merryweather commented that the motion is another extension which the Board did at the November 15, 2006 Board meeting. He stated that he is uncomfortable with another extension and no consequences for his casualness. Dr. Merryweather stated that he will expect Dr. Bjornson to follow through and complete the 8 hours of CE in ethics.

Ms. Buhler commented that she is of the opinion that Dr. Bjornson will have consequences as his actions will allow the Board to move forward with an Order to Show Cause if the requirements are not met.

Dr. Carpenter commented that he thinks Dr. Bjornson understands that the Board is not interested in continuing with non-compliance.

Dr. Haas called for a vote on the motion.

The Board vote was unanimous.

Ms. Taxin concluded the appointment by commenting that Dr. Bjornson should understand that he needs 8 hours of CE in ethics and the course taken under Dr. Miller will not count toward the 8 hours in ethics and that Dr. Bjornson is required by February 15, 2007 to have CE information provided to the Division for pre approval. Dr. Bjornson voiced understanding with the expectations.

10:30 A.M.

Dr. Amy Davies, Review Request for an Extension of the Psychology Resident License and Review Request to Consider Accepting Additional Hours

Dr. Davies met with the Board.

Dr. Haas conducted the interview.

Dr. Haas clarified that Dr. Davies was meeting with the Board to request a 1 year extension on her Psychology Resident License to April 14, 2008 and for the Board to consider accepting hours obtained in a setting outside the Psychology Resident position.

Dr. Davies confirmed Dr. Haas statement. She explained that she runs an independent school as her full time position and works part time at Valley Mental Health for her clinical hours. Dr. Davies stated that she has completed about 1600 hours and has about 400 remaining hours to complete for the required 2000 post-doctoral hours. She stated that she works about 12 hours a week at Valley Mental Health and should have about 100 hours completed by April.

Dr. Davies stated that she would like the Board to consider accepting some of the hours that she works at the school.

Dr. Carpenter responded that only hours that are supervised may be counted.

Dr. Haas stated that when Dr. Davies met in January 2006 the Board recommended an extension for 1 year and approved an extension for another year to April 14, 2008 if necessary.

Dr. Haas clarified that Dr. Davies is requesting the Board to consider accepting hours she has worked at the private school toward the required 2000 supervised post-doctorate hours.

Dr. Davies confirmed that she is asking the Board to consider the hours she has worked at the private school. She stated that if the Board would not accept the hours then she would need the extension to complete the remaining 400 supervised hours.

Dr. Davies commented that she is aware of a proposal for a change in the Law before the Legislature at this time. She asked if the Law change would affect her requirements.

Dr. Carpenter responded that there is a proposed change in the Law before the Legislature. He

stated that the Law has not passed and if it does pass the Board would have to write Rules. He stated that the process will take some time to complete and it would not affect Dr. Davies requirements.

Dr. Haas commented that the Board could make a motion regarding approving the extension and then Dr. Davies could submit a proposal for the Board to review at the next scheduled meeting.

Ms. Taxin asked Ms. Davies to explain to the Board how she thinks her hours would count.

Dr. Davies explained that she meets with parents and their children regarding anxiety issues and behavior issues. She stated that she does negotiating with the children, she helps the teachers with problem children and she supervises the teachers.

Dr. Carpenter responded that, based on Dr. Davies explanation, only the hours worked at Valley Mental Health as a Psychology Resident will count.

Dr. Haas asked the Board if they would consider any of the hours at the private school if Dr. Davies could find a Psychologist to supervise her administration duties.

Ms. Taxin responded that school psychology is not the practice of clinical psychology.

Dr. Haas stated that the Psychology Resident does learn administration.

Ms. Taxin asked if Dr. Haas was going to open the Practice Act to include school psychology.

Dr. Carpenter responded that if the Law passes there will be Residents applying for licensure in July.

Ms. Taxin stated that her concern is that Dr. Davies would be considered as a private practitioner in the school setting because she has no supervision. Additionally, Ms. Taxin questioned the School Psychologist experience as being mental

health therapy. She stated that the extension of the Psychology Resident license will allow Dr. Davies to complete her hours in an acceptable agency with acceptable supervision. Ms. Taxin stated Dr. Davies Valley Mental Health job experience is acceptable.

Ms. Buhler commented that the Law may not pass and then the Board would have opened up precedence for the practice of Psychology.

Dr. Haas stated that the Board would need to make a motion regarding the extension and then, if the Law does pass, Dr. Davies could submit a proposal for the Board to consider.

Reference was made to the current Legislative Bill. It was mentioned that the potential changes have to do with Pre-doctoral hours counting toward the required 4000 hours.

Dr. Davies asked if she could sit for the EPPP examination and the Utah Laws and Rules examination prior to completing the required supervised hours.

Dr. Carpenter responded that sitting for the examinations is a possibility if the Law passes. He recommended Dr. Davies review the Law if it passes.

Ms. Buhler made a motion to extend the Psychology Resident license for 1 year to April 14, 2008.

Dr. Carpenter seconded the motion.

The Board vote was unanimous.

11:00 A.M.

Dr. Mickey Fuller, Review plan for EPPP Examination

Dr. Fuller met to discuss his plan for taking and passing the EPPP examination.

Dr. Carpenter asked Dr. Fuller how many times he has taken and failed the EPPP examination and to explain his understanding of why he might not have passed the examination.

Dr. Fuller responded that he has completed all his pre-doctoral and post-doctoral hours. He stated that he has taken the EPPP examination 3 times and failed each time. Dr. Fuller stated that he believes he has failed due to being in a high stress employment at the time and his lack of taking time to study for the examination.

Ms. Buhler asked if Dr. Fuller has a history of difficulty in taking examinations or has a physical disability.

Dr. Fuller responded that he generally does well in examinations and has no physical disabilities.

Dr. Haas asked if Dr. Fuller has developed a plan to present to the Board.

Dr. Fuller responded that he has. He explained that he has changed employment which is less stressful. He stated that he has obtained updated study material and he plans to study 5 days a week in 3 hour blocks of time. He stated that he would like to work his plan for 6 months and then reapply for the EPPP examination.

Dr. Fuller admitted that he did not study prior to the first examination. He stated that he spent several hours studying prior to the second examination and the score went up significantly. He stated that he did not think he had put in an adequate number of study hours for any of the examination.

Dr. Haas asked if Dr. Fuller has requested a breakdown of his weaknesses and strengths on the examinations.

Ms. Taxin responded that she discussed requesting a report with Dr. Fuller and they both decided that his scores were low enough that his weaknesses would be in all areas.

Dr. Merryweather asked if Dr. Fuller has used any of the study guides.

Dr. Fuller responded that he has used them but has not utilized them fully. He stated that his study time since

the last examination has been very poor with about 10 hours of study time on a good week.

Dr. Carpenter recommended Dr. Fuller meet again at the next scheduled Board meeting to report his progress.

Dr. Haas asked what type of documentation Dr. Fuller would need to submit to the Board.

Ms. Taxin responded that Dr. Fuller is responsible to work his plan but could meet with the Board to report and receive encouragement to continue with his study plan. She stated that she was concerned about the long period of time between each examination.

Dr. Fuller asked if the Board had any other suggestions.

Dr. Haas suggested Dr. Fuller ask the University of Utah if there is a study group preparing for the EPPP examination.

Dr. Carpenter commented that Dr. Fuller's study plan sounds like a workable plan.

Dr. Carpenter made a motion to approve the study plan and to meet with Dr. Fuller in 3 months if Dr. Fuller desires additional conversation with the Board to review his progress for possible approval to retake the examination again.

Ms. Buhler seconded the motion.

Ms. Buhler asked Dr. Carpenter if the motion is to authorize for one retake of the examination.

Dr. Carpenter responded that she was correct.

Dr. Haas called for a vote.

The Board vote was unanimous.

Dr. Carpenter stated that it appears Dr. Fuller has approached the issue with some thought and laid out a workable plan for success.

Dr. Fuller stated that he has concerns regarding completing his study plan and registering to retake the examination in June 2007.

Ms. Taxin requested Dr. Fuller to get information to her about 2 months prior to registering for the examination and she will contact Thomson Prometric to assist Dr. Fuller in the registration process.

DISCUSSION ITEMS:

FYI

Ms. Taxin introduced David Stanley, Division Director, and explained that Mr. Stanley became the Division Director in December when Craig Jackson retired. She stated that he will be attending many Board meetings and will a great support for the Boards.

Dr. Haas requested Mr. Stanley to share his background with the Board.

Mr. Stanley responded that he comes from a construction background. He stated that he has been impressed today with the professionalism the Board has shown in handling the appointments by being compassionate but firm in holding individuals to the requirements.

The Board thanked Mr. Stanley for his comments and welcomed him to their meetings.

Legislative Update

Ms. Taxin reported that the Psychology Bill moved out of Committee last week.

Dr. Carpenter stated that if the Bill passes then the hard part will be to write rules.

Ms. Taxin explained that the Board will assist in the writing of the Rules and sometimes getting the Rules right takes some time.

Dr. Haas stated that the proposed Law has an effective date included and the Master's program has been taken out. He stated that the requirement for an Internship has also been taken out. Dr.

Haas stated that he had not anticipated those changes.

He commented that he asked Ms. Taxin to explain the procedure for writing Rules.

Ms. Taxin offered the following options:

1. Each Board member read the entire Law and Rule and update accordingly; or
2. Break up the Law and Rule in sections and each Board member edit their section then send to Ms. Taxin for review.

Dr. Carpenter asked if there would be any objections regarding circulating suggestions by e-mail.

Ms Taxin responded that there would be no objections for the Board to use e-mail as it would not be a formal Board meeting if the suggestions were for the Rules draft only.

Ms. Taxin explained that after the Board has reviewed and approved new Rules the attorneys do their review and suggest revisions. She stated that when everyone has agreed on the language a Rules Hearing is scheduled and there is an open time period for the Association and the public to review and comment before the Rules become effective.

Dr. Carpenter stated that ASPPB was surprised that Utah decided to make changes in the Law this year to be in line with ASPPB's suggestions. He stated that ASPPB is aware that all States will not agree to accept pre-doctoral hours only. He stated that ASPPB will be receptive to work with Utah regarding the requirements if the Law passes. Dr. Carpenter stated that Washington is still working with the change of hours from pre-doctoral and post-doctoral to pre-doctoral only.

Dr. Haas commented that ASPPB has a Legislation watcher to follow each State. He stated that he will be attending the mid year meeting and will report on that meeting to the Board.

Ms. Taxin cautioned Dr. Haas to be careful sharing

information at the mid year meeting as other States have different Laws.

Dr. Carpenter commented that Dr. Haas could share information with other Boards.

Dr. Haas commented that ASPPB has Model Laws that the Board can review.

Ms. Taxin commented that she was surprised when she was requested to meet with the Legislature because she had never seen a copy of the Bill's draft. Dr. Nanci Klein remarked that the proposed Bill would give a 2 year planning phase before the Rules were implemented. Ms. Taxin stated that she tried to contact Dr. Klein but was never able to talk with her. She stated that when she reviewed the proposed Law she discovered that the 2 years implementation section had been taken out.

Ms. Taxin stated that areas of concern are the continuing education and endorsement area which need better clarification and the references need to be corrected. She stated that the Board also needs to clarify how many hours a person can work within a period of time, such as 40 hours a week will count toward the experience.

Ms. Taxin stated that the Division has received several applications that the degree is a Doctorate of Philosophy and there is nothing that helps the staff to know the degree is in Clinical Psychology. She stated that the Rules need to clarify the requirements.

Dr. Carpenter commented that the Board will have to decide if the EPPP can be taken prior to completing the hours or after completing the hours.

Dr. Merryweather volunteered to review the CE requirements as he is writing an article on CE for the Association newsletter.

Dr. Haas suggested Dr. Merryweather review the ASPPB CE information.

Ms. Taxin stated that Dr. Kathy King asked the Board to consider peer review. She stated that Dr.

King volunteer to attend a Board meet to discuss the proposal and, if the Board is interested, she will contact Dr. King to meet.

Dr. Merryweather responded that peer supervision and review should be considered.

Ms. Taxin recommended the Board wait on making decisions to be sure the Law passes and then e-mail her and each other with ideas on Rules.

FYI

Dr. Carpenter informed the Board that his term to serve on the Board expires June 30, 2007.

Ms. Taxin and the Board noted the information and thanked Dr. Carpenter for his service.

Update on Dr. Elizabeth Firth, Probationer

Ms. Taxin reported that Dr. Firth submitted a letter regarding her employment, her therapy, completed requirements of the Stipulation and Order and a proposal for the Board to consider regarding counting her probationary time.

Dr. Haas read the letter from Dr. Firth.

Ms. Taxin pointed out the Dr. Firth is concerned that her time will not count as she is not working as a Psychologist. Ms. Taxin stated that Dr. Firth appears more organized and when she contacted Dr. Firth regarding submitting CE information, Dr. Firth promptly submitted the information.

Ms. Taxin stated that Dr. Firth was 2 hours short in her CE in the area of ethics and the Board agreed to accept Dr. Firth discussing the issues of ethics with her therapist with a report to be submitted for documentation. She stated that Dr. DeMoor faxed a letter regarding their discussion on ethics.

Dr. Carpenter commented that the probationary time is not counting unless Dr. Firth is practicing. He stated that Dr. Firth wanted to be in California to practice and yet is not licensed there to practice. He stated that Dr. Firth now wants to stay in California and return to Utah periodically to dabble in Psychology so that her probationary time will count. Dr. Carpenter stated that he is not sure

the proposal is acceptable.

Dr. Haas commented that if probation is terminated and Dr. Firth's license is reinstated with full privileges then she would be able to obtain a license in California easier.

Dr. Merryweather noted that Dr. Firth's probation is until October 26, 2007, which is the 3 year period.

Ms. Taxin stated that the Board should give some credit of time for Dr. Firth completing the other requirements of the Stipulation and Order.

Ms. Buhler commented that if Dr. Firth returns to Utah and works for 10 hours a month it will take a long time to complete 3 years of practice. She asked why Dr. Firth does not move back to Utah to complete the probationary requirements.

Ms. Taxin responded that Dr. Firth has said that she likes her therapist and the progress they have made and she wants to continue with that therapist.

Ms. Taxin read Dr. DeMoor's report.

The Board noted that Dr. DeMoor reported that the patient is making steady progress. They also noted the report regarding the discussion on ethics.

Dr. Haas recommended Ms. Taxin respond to Dr. Firth that any time she works in Utah will count toward the probationary time.

Dr. Merryweather commented that if Dr. Firth is coming into Utah to do assessments only then she is not addressing one of the concerns that brought her before the Board. He stated that Dr. Firth is proposing no ongoing therapy with clients and she has not addressed the supervision issue.

Dr. Carpenter responded that only doing assessments will not prepare Dr. Firth to enter back into therapy practice. He stated that he believes Dr. Firth recognized that she could not have any long term therapy clients.

Dr. Merryweather stated that he would like to communicate to Dr. Firth that if she wants off probation she needs supervision and the Board would want full clinical work.

Ms. Taxin responded that any work in Utah would have to be under an approved supervisor.

Dr. Carpenter stated that he would like Dr. Firth to submit a complete proposal with a minimum of 1 hour of supervision for every 15 hours of work.

Ms. Buhler asked if it is normal to pro-rate the total time if a practitioner is working part time.

Ms. Taxin responded that it is standard to pro-rate the total time. She stated that usually there is a clause in the Stipulation and Order that the probationer must work a specific number of hours a week for the time to count toward the probation.

Ms. Taxin stated that the Board needs to review Dr. DeMoor's report and decide if they will accept it for the 2 hours of CE.

The Board agreed to accept the report for the 2 hours of CE in ethics. The Board determined Dr. Firth has completed the CE requirement.

Review the Law and Rule and Discuss
Clarification of Acceptable Number of Work
Hours Per Week

Discussion on this item was deferred to a later date.

Review the Law and Discuss Endorsement
Requirements

Ms. Taxin explained that an application came in from an older person who has outlived most of his peers and cannot find anyone to verify his hours for endorsement. Ms. Taxin asked the Board to review the endorsement requirements and think about any additional language that might be included in the Rules to assist people in this applicant's situation.

Ms. Taxin stated that the Division receives applications from individuals who have had illnesses, have been retired, have taken time off to have children and, as a result, do not really meet endorsement requirements.

Further discussion will take place at a later date.

Review and Discuss CE Requirements

Ms. Taxin explained that the Division has received several phone calls asking if internet, self-study, webcam classes and peer supervision will count toward the CE requirements. She stated that she has had to refer them to the Laws and Rules and explain that those are the guidelines and if it is not listed there then it is not acceptable.

Dr. Haas stated that the Board will have to review the CE section and be sure the Rules are clear for the licensee and the Division staff to answer questions.

Internet Mental Health Therapy

Ms. Taxin explained that the Division received a letter from Mr. Clayton who wants to create an internet mental health therapy company which would include Psychology services. Ms. Taxin stated that she called Mr. Clayton and explained the Utah Laws and Rules and informed Mr. Clayton that the Laws and Rules do not address internet therapy at this time as there are confidentiality issues and therapists crossing over State lines issues. She stated that she explained that the Law would have to be changed and she explained the process to Mr. Clayton.

Ms. Taxin stated that Mr. Clayton called back and talked with Ms. McCall and informed her that he reviewed the Laws and Rules and could not see that internet therapy is not acceptable in Utah and he would be able to do it. She stated that Ms. McCall again explained that it is not an acceptable type of therapy in Utah.

Ms. Taxin stated that it is an issue that the Board would need to discuss.

Dr. Carpenter responded that the Board has addressed the issues at least twice before. He stated that the Board and the profession takes into consideration that the agency has a responsibility to protect the public and they consider the point of service. He stated that all clients must receive services from a licensed therapist. If the client is in Utah then the licensed therapist must be a Utah

licensee. He stated that the Division and the profession cannot protect the public in other States.

Dr. Carpenter suggested Ms. Taxin contact Laura Poe regarding the issue.

Dr. Haas commented that there is nothing unethical regarding internet therapy as long as the client is not exploited and has signed release forms. He reminded the Board of the 1-800 and 1-900 numbers anyone can call for therapy.

Dr. Carpenter responded that the Utah argument is legal as we cannot protect the public if the therapist is not subject to Utah Laws.

Ms. Taxin commented that if you are treating a Utah client you must have a Utah license and treat in Utah.

Dr. Carpenter stated that the profession is willing to concede that interstate therapy might occur but the therapist must be licensed in the States where they are providing therapy.

Custody Evaluations

Ms. Taxin explained that she received a phone call from Monica Christy, a Psychologist, regarding meeting with her and some Judges to discuss who is qualified by education to conduct custody evaluations. Ms. Taxin stated that it was her understanding that LCSW's, MFT's, Professional Counselor and Psychologists are qualified to conduct custody evaluations if they have the education, experience and training but could not be the evaluator and the therapist.

Ms. Taxin stated that she then received a follow-up letter regarding the issue. She read the letter to the Board regarding minimum qualifications are that custody evaluations must be conducted by a licensed Psychologist.

Ms. Taxin stated that the custody letter includes references to Children and Family Law but does not refer to the Mental Health Therapy Laws.

She stated that she contacted MMPI regarding the examination given and they informed her that they will

sell the MMPI to anyone with a Masters Counseling Degree.

Ms. Taxin stated that some members of the Psychology Board and other licensed Psychologists were of the opinion that only the licensed Psychologist could conduct the MMPI for custody evaluations. She stated that there is nothing in the Law or Rule regarding conducting MMPI testing. The minutes from the Professional Counselors Board before her time states that the person must have the education and training.

Ms. Taxin stated that she is confident that the LCSW, MFT and Professional Counselor could not do the psychological evaluation but could do a mental health evaluation.

Ms. Taxin stated that it was her understanding that there was not a final determination made. She stated that she talked with the attorneys and it was made very clear that the licensed mental health therapist could do a mental health evaluation but a psychological evaluation must be completed by a licensed Psychologist.

Ms. Taxin commented that her intention was to discuss the issue and educate the Board on the correct language to use for evaluations to be sure mental health therapists are not crossing the line by saying they do psychological evaluations as that would be a violation of the current Law.

Ms. Taxin stated that there was a case where LCSW's were doing the MMPI's and the insurance companies would not pay so the LCSW's were requiring cash. She commented that if the insurance companies are only paying the Psychologist for the evaluation, then why have the client pay cash for an evaluation that will have to be redone. Ms. Taxin stated that more discussion will take place at the next scheduled meeting.

Dr. Carpenter stated that this issue has been discussed for many years.

Ms. Taxin stated that a patient called her yesterday and

informed her that an MFT conducted a psychological evaluation. She stated that she recommended the patient contact her attorney and then call Ms. Taxin again.

Dr. Haas recommended Ms. Taxin request complainants to submit a copy of the evaluation for the Board to review.

Ms. Taxin stated that it would not be appropriate to review the work sample.

Dr. Carpenter commented that the Board would not review but if there is a complaint Ms. Taxin might ask a specific Board member to review the evaluation as an expert or request a licensee to review as an expert.

Ms. Taxin responded that the complaints are not the problem. She stated that the inquiries are the problem as she and the staff should know how to answer the questions. Ms. Taxin stated that inquiries are not just from public people but also licensees are calling to ask who is qualified to do an MMPI.

Dr. Carpenter responded that everyone is not qualified to do an MMPI. He stated that the Law does not prohibit but it does restrict the activities to those areas a licensee is qualified by education and experience.

Ms. Taxin stated that she responds to inquiries that the licensee must be trained and educated if they plan to implement doing MMPI's.

She concluded that she will continue to respond that the licensee must have training and the education and be sure whoever is requesting the MMPI will accept the level of license for the evaluation.

Psychology Education Programs

Ms. Taxin explained that the Division has received several applications where the education degrees have been in question. She stated that most transcripts will document the Doctorate degree in Clinical Psychology and the Laws and Rules identify the course requirements. She stated that if the transcript documents the Clinical Psychology degree the staff

has not reviewed the courses. Ms. Taxin stated that the transcripts that document Educational Psychology are the ones that the staff question.

Dr. Carpenter stated that the University of Utah (U of U) has an APA accredited program but do not document on the transcript that the education was Clinical Psychology.

Ms. Taxin responded that the staff reviews U of U courses as the U of U is unable to verify the education is Clinical Psychology. Ms. Taxin stated that generally the Educational Psychology degree does not include the required clinical courses even though applicants insist they have the clinical courses.

Dr. Carpenter responded he is concerned about the education if the staff is finding the APA accredited programs do not have the clinical courses.

Dr. Haas asked if Ms. Taxin requests an explanation from the applicant if their transcripts do not document the clinical courses.

Ms. Taxin responded that when she asked one applicant for course descriptions to document the required education the applicant became very agitated and said she would not provide additional information as her program was APA accredited and she would get an attorney if the Division did not issue the license. Ms. Taxin stated that this applicant then went to the U of U and caused problems with them. Ms. Taxin stated that she does not want to stress out the applicants. She stated that the transcript should document the type of education and she is nervous that the Division may license someone in error without the applicant having the clinical courses.

Dr. Carpenter asked if the application could be written for better clarification.

Ms. Taxin responded that the education requirements are outlined in the application.

Dr. Haas commented that all licensees must practice within the limits of their education and experience.

Ms. Taxin asked if she is hearing the Board say that if the applicant has graduated with the degree in Psychology from an APA accredited University the Division should issue the license and not be concerned.

Dr. Carpenter responded that the Board is not suggesting licenses be issued based on the APA accredited University. He stated that the University may only have one APA accredited Psychology program but be listed as an APA accredited University.

Dr. Haas asked if Ms. Taxin refers questionable transcripts to the Board for review.

Ms. Taxin responded that she does have the Board review questionable transcripts. She stated that if the Board has just met then she requests course descriptions and syllabi to assist her in completing the review. Ms. Taxin stated that she expects transcripts to have the Clinical Psychology documented in the degree area.

Dr. Carpenter recommended he meet with Ms. Taxin later to discuss the issue further.

Peer Supervision

This item was deferred to a later Board meeting.

ASPPB Meeting Report

Dr. Carpenter reported that he attended the luncheon at the ASPPB meeting in Midway, Utah. He stated that ASPPB was pleased that Utah is in the process of make changes in the Law to allow an individual to obtain all their experience prior to graduation as ASPPB has already started their process in making that recommendation to the States.

Dr. Carpenter reported that the luncheon meeting was informative and it was worth his time to attend.

2007 Board Meeting Schedule

The Board noted the following dates for the 2007 schedule: April 24, July 31 and October 2, 2007.

FYI

Ms. Taxin reminded the Board to report back to

her regarding Rules changes.

Dr. Carpenter recommended the Board be prepared in April with their recommendations and then schedule a meeting in May to review the recommendations only.

CORRESPONDENCE:

ASPPB Correspondence

The following ASPPB correspondence was reviewed by the Board:

1. Information regarding the debate in ASPPB about Residency Requirements. **No action taken.**
2. Information regarding EPPP on-line Registration. **The Board noted the information and commented that it would be helpful and less stressful for the candidates.**

NEXT MEETING SCHEDULED FOR:

April 24, 2007

MEETING ADJOURNED AT:

1:02 P.M.

April 24, 2007
Date Approved

(ss) Dr. Leonard Haas
Chairperson, Utah Psychology Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing